

February 18.2023

RE: OPPOSE HB 5653

TO: The members of the Finance, Revenue and Bonding Committee

**Please oppose HB 5653 AAE AN ACT ESTABLISHING AN EXCISE TAX ON AMMUNITION TO PROVIDE FUNDING FOR COMMUNITY GUN VIOLENCE AND INTERVENTION PROGRAM GRANTS**

This excise tax is specifically levied against people exercising their 2<sup>nd</sup> amendment rights. The Right to keep and bear arms includes ammunition, it is an integral and essential part of any firearm, and all types of arms. The proposed excise tax on ammunition is an extreme infringement on Article First, Section 15 of the Constitution of the State of Connecticut and of the Second Amendment to the US Constitution. The protection of ammunition under the second amendment was reiterated in the Heller decision. Using the stated government “interest” in providing “community gun violence and intervention grants” to justify this tax is not allowed under the NYSRPA vs Breun framework, and balancing tests are not accepted as justification for infringing on second amendment rights.

As an illustrative example, I pose the following question. Would a poll tax levied to promote “civic education grants” be legal and constitutional? The answer is obviously a resounding NO, as such a tax burdens the right to vote guaranteed by the constitution.

A state excise tax burdens the right to keep and bear arms and as such is unconstitutional from both a State and Federal constitution point of view. I fully expect that the current excise taxes that are in place on ammunition will be challenged in court under the SCOTUS rules documented in NYSRPA vs Bruen.

Thank you for the opportunity to provide opposing testimony regarding this bill.

Respectfully,

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